



(x) Action Required
() Informational

BULLETIN NO. EL. 2013. ---- Provider Agreement Renewal 2013-2014

TO: Child Care Subsidy Providers

FROM: Raeshawn Crosson
Chief Operations Officer/
Interim Assistant Superintendent of Early Childhood Education

RE: **Renewal Agreement**-Child Care Subsidy Issuance 2013-2014

DATE: August 23, 2013

CONTACT: **Erica Anderson**
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I. PURPOSE

- a) To inform all current Child Care Subsidy Providers of the Child Care Subsidy Program Agreement renewal requirements and process for fiscal year 2014.
- b) To inform all current Child Care Subsidy Providers of the required documentation needed for online submission of the Provider Agreement renewal period for fiscal year 2014.

II. AUTHORITY

- The Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Act 17-38; D.C. Code § 38-2601, *et seq.*) as amended;
- The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Code § 4-401, *et seq.*) as amended;
- Child Care Subsidy Program Provider Agreement;

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- Title 29 of the District of Columbia Municipal Regulations (29 DCMR), Chapter 3, Child Development Facilities effective April 27, 2007 or as amended; and
- Child Care and Development Fund State Plan for FY 2014 - 2015, as amended.

III. POLICY

- a) The Office of the State Superintendent of Education (OSSE), Division of Early Learning (EL), through its Child Care Subsidy Program (CCSP), assists families who meet specific eligibility criteria in paying for child care through a network of highly qualified child care providers in the District of Columbia.
- b) The CCSP, using a variety of funding sources including local funds and the Child Care and Development Fund Block Grant, makes child care services available for children six (6) weeks through 12 years of age and up to 19 years of age if the child has a disability.
- c) The Division of Early Learning has the responsibility of securing qualified providers to participate in the CCSP for the provision of child care services.
- d) Participating Providers in the CCSP must meet compliance requirements for all applicable Federal and District of Columbia laws, regulations, and policies governing child care services in the District of Columbia.

IV. APPLICABILITY

This Bulletin shall apply to all licensed Child Care Subsidy Providers currently renewing the OSSE/EL Child Care Subsidy Program agreement for fiscal year 2014.

V. PROCEDURES FOR APPLICATION

A. Response Package Submission

- 1) Providers must complete all required documents outlined in the provider agreement issuance online by September 30, 2013.
- 2) Providers must schedule an appointment with their designated Education Services Monitors by calling 202-727-8149 prior to October 30, 2013.
- 3) The Education Services Monitors must review the online renewal application package and provide written notification of any outstanding documents or clarification on submitted documents.
- 4) Providers must submit any additional documentation or clarification ten business (10) days from the date of the Education Services Monitors notification. Failure to meet the deadline will result in "Stop Placement", delays in the approval process, signing and execution of the Provider Agreement and/or termination of the agreement.

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- 5) All providers must ensure that all required certifications are reviewed, signed and dated to attest to compliance with applicable laws and regulations. Failure to do so will result in the non-execution of the Provider Agreement.
- 6) The Education Services Monitors must review and recommend approval of Provider Agreement only when required documents have been met including current, accurate and complete licenses, certifications and policies and procedures.
- 7) The Interim Assistant Superintendent of Early Childhood Education must provide the authorizing signature for an acceptable Provider Agreement only upon receipt and review of a recommendation from the Education and Program Improvement Unit.
- 8) The Provider Agreement must be signed by an authorized representative of the provider holding the position of owner, operator, officer, or agency head.
- 9) **Response Package Contents:**
 - a. A copy of the current License for Child Development Facility. If the license is not current, the Level I provider must include documentation from the Licensing and Compliance Unit regarding the status of the license renewal application.
 - b. A current statement identifying the authorized representative designated to sign the 2012-2013 Provider Agreement on behalf of the Provider. See the Authorized Representative Form.
 - c. A completed Provider Service Form signed by the provider's authorized representative on behalf of the Provider.
 - d. Documentation of Accreditation Status:
 - i. A copy of the current Accreditation Award (if applicable) showing expiration date and the name of the accrediting organization; or
 - ii. All Silver Tier Providers must submit documentation that the program is actively pursuing national accreditation and submit a copy of the confirmation letter from the accrediting agency.
 - e. Financial Information
 - i. A Tax Registration Status Form regarding tax registration status, including the identified start and end months for the fiscal year.
 - ii. A Child Care Prospective Budget Form that covers the period between October 1, 2013 through September 30, 2014.
 - iii. **Providers must give 45 calendar days advance notice to OSSE for all non-government closings. Failure to submit appropriate notice is a violation of the Provider Agreement and will result in non-payment for any days for which appropriate notice was not provided. This is**

inclusive of the five (5) professional staff development days allowed during the provider agreement period.

- iv. A Staffing Pattern Form listing the director and all staff currently employed, including tour of duty for each person.
- v. A Staff Training Certification Form identifying all staff trainings completed during the period October 1, 2012 – September 30, 2013. Providers must meet the training criteria in accordance with their tier “Going for the Gold!” requirements. Providers who have not met their tier requirements shall submit a Certification of Plan of Action Form with the response package that clearly outlines how the Provider will assure compliance with 2012-2013 requirements no later than December 30, 2013, as well as, 2013-2014 staff training requirements by September 30, 2014.
- vi. A Parent Meeting & Training Certification Form identifying all parent trainings and meetings provided during the period October 1, 2012 – September 30, 2013. Providers must meet the parent involvement and consumer satisfaction criteria in accordance with their “Going for the Gold!” tier requirements. Providers who have not met their tier requirements shall submit a Certification of Plan of Action Form with the response package that clearly outlines how the Provider will guarantee compliance with 2012-2013 requirements no later than December 30, 2013, as well as, 2013-2014 parent training/meeting requirements by September 30, 2014.
- vii. A list of before and after care pick-up locations (required for providers offering school before care and pick-up only. Otherwise indicate such services not provided.
- viii. A Comprehensive Curriculum Selection Certification Form that list the name(s) of the curriculum adopted by the agency for infants and toddlers as well as the pre-school age children. The curriculum in use must be in aligned with the OSSE Early Learning Standards: Infants, Toddlers and Pre-Kindergarten approved by the DC State Board of Education on December 17, 2008. Attach a written description of how the Curriculum Model components are in use during the program on a routine basis.
- ix. The following signed and dated certification documents are to be submitted to OSSE
 - 1. A Living Wage Act of 2006 Affirmation Form, certifying compliance with the Way to Work Amendment Act of 2006, effective June 8, 2006 (D.C. Law 16-118: D.C. Code §2-220.01 et seq.) Title I – The District of Columbia Living Wage Act of 2006. See The Living Wage Act of 2006 Fact Sheet from the D.C.

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Department of Employment Services and the Office of Contract and Procurement.

2. A Language Access Act of 2004 Affirmation Form certifying compliance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Code §2-1931 et seq.). See the Language Access Act of 2004 Fact Sheet from the D.C. Office of Human Rights and the Language Access Act of 2004.
 3. Child and Youth Safety and Health Omnibus Amendment Act of 2004 Form for completion.
- x. The following Affirmations Forms must be signed and dated by each employee. Documents must be collated by staff member.
1. A Criminal Background Check Affirmation Form certifying compliance with the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Code §4-1501.01 et seq.)
 2. Mandatory Drug and Alcohol Test Affirmation Form
 3. Traffic Record Check Affirmation Form
 4. Non-Disclosure Agreement Form completed by each staff member, contractor and other personnel conducting business for or on behalf of OSSE to maintain the security and privacy of any and all data, document and information accessed through OSSE

10) Please note that providers can only submit an application when it is entirely completed; the system will not allow submission of an incomplete application.

Getting started:

- Providers must have a unique user ID and Password. If you have not yet received your assigned login and password, please contact your Education Services Monitor.
- If this is your first time here and you received a unique user ID and Password, please log in and change your password.
- If you are a returning user, please login with your username and password.
- If you are a returning user and forgot your password or username, click the Reset Password link.

Forms and Documents (Page)

Download the renewal application forms and documents listed below before accessing the Application link. The forms listed below can be downloaded, filled in online and saved to your local drive using Adobe Acrobat Reader. All forms must be saved in the format of Site Name _ Form Name. For example, if OSSE Learning Center is saving the Staffing Pattern

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form to be submitted with the renewal subsidy application materials, it will save the document as OSSE_StaffingPattern. Click the link below to download the Adobe program and follow the download instructions.

How to Download SARA Forms and Documents:

1. Click the **Download** link next to the form.
2. When prompted click the down arrowhead next to the **SAVE** button and choose **Save As**.
3. Save the form to your local hard drive.
4. Open the form and fill in the information.
5. Save the completed form for upload to your renewal application.

The following documents must be submitted for consideration of a Provider Agreement. Once the forms are completed, use the Application link to upload the forms to your online application renewal. Please note that if provider have multiple sites some documentation are required for each site. The “category” below identifies which forms must be completed for each site.

B. Process for Approval, Signing and Execution of the Provider Agreement

- 1. Failure on the part of the Provider to meet all requirements by October 1, 2013 will result in “Stop Placement” and denial of the Renewal Response Packet Application.**

Note: Failure to comply with the timely submission of a certified financial statement or an A-133 single audit report within 180 calendar days after the Providers fiscal year will result in the provider being placed on stop placement status, and the termination of the agreement.

C. Details for the Annual Audit or Financial Statement Requirement

1. All Providers (for Profit and Non-Profit) that expend \$500,000 or more during the agencies fiscal year in federal awards are required to obtain an independent audit of program expenditures in accordance with the Office of Management and Budget (OMB) Circular A-133 Audit of States, Local Governments and Non-Profit organizations, as revised. If a Provider received other federal funds, that grant shall be made a part of the provider’s OMB Circular A-133 Annual Audit Report and is due to EL within 180 calendar days following the end of the Provider’s fiscal year.
2. The audit report shall be prepared in accordance with OMB Circular A-133, § 320 – Report Submission. The following details must be addressed and information included with the submission of the audit report to EL:
 - a) Data Collection Form;
 - b) Financial Statements and a Schedule of Expenditure of Federal Awards (SEFA);
 - c) The auditor’s report on the financial statements, the SEFA, internal controls and compliance and a schedule of findings and questioned costs;
 - d) Corrective Action Plan; and

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e) Management letter comments.

3. A Provider expending less than \$500,000 in federal funds during the agencies fiscal year is exempt from the federal audit requirement but must provide an annual certified financial statement prepared by an independent Certified Public Accountant to EL within 180 calendar days following the end of the Provider fiscal year.
4. The Provider must make records available for review or audit by EL, the Office of the State Superintendent of Education or the United States Department of Health and Human Services or any other pass-through entities (non-federal entities from whom they receive federal funds), if requested.
5. The Provider shall preserve all books, records and documents related to this contract for three years from the contract expiration date, until all questioned costs or activities have been resolved to the satisfaction of the District of Columbia government, or as required by applicable federal laws and regulations, whichever is longer.

VI. OTHER REQUIREMENTS

A. Conduct and Penalty for Falsification of Documents:

All approved Prospective Providers are expected to uphold the highest standard of conduct and ethics at all times. The following policies enforce this standard of conduct and ethics:

1. The OSSE/EL is required to investigate all allegations of misconduct.
2. The OSSE/EL shall refer all allegations of falsifying, forging or altering of documents to the District of Columbia's Office of the Inspector General.
3. Any Provider who obtains funds as a result of submitting falsified documents, information or data shall be required to pay back those funds to the District of Columbia Government.
4. Any Provider or designee who falsifies, forges, or alters documents to obtain a rate assigned to a higher tier in the "Tiered Rate Reimbursement System" or violates the terms of the CCSP Provider Agreement shall be removed from the higher tier and placed at a lower tier in the system by the OSSE/EL. The Provider will also forfeit any claim to receive payment at the awarded tier or the tier to which they are applying.
5. Any Provider, who falsifies, forges or alters documents risks revocation of the Provider Agreement and termination from participation in the CCSP by the OSSE/EL.
6. Any Provider who is confirmed to have violated the requirements of the Provider Agreement may be terminated from the CCSP and may be referred to the EL Licensing and Compliance Unit or the District of Columbia's Office of the Attorney General for further action.

7. All Providers shall maintain a current and working email address that is checked daily. The Provider must be able to send and receive electronic information and communication as it relates to the Provider Agreement and CCSP. Providers must also have access to a working fax machine, computer, and printer.

B. Recordkeeping Requirements

1. The Provider is responsible for ensuring all children's records and documentation gathered to support participation in the CCSP are maintained in a safe and secure manner to guard against misuse, misplacement or loss.
2. The OSSE/EL will hold all Providers accountable for any and all missing records or documentation supporting a child's participation in the CCSP by recouping payment for the children for the time period that the Provider could not produce the records and/or documentation to substantiate eligibility in accordance with the eligibility requirements of the CCSP.

C. Language Access Report Requirements due by the 5th business day of January, April, July and October.

VII. REMEDIES FOR NON-COMPLIANCE

A. Terms and Conditions

1. Provider shall comply with and maintain compliance with terms and conditions of this funding program, whether stated in a Federal or District of Columbia statute or regulations, an assurance/certification, an application or an agreement throughout the period of effectiveness of this agreement /award
2. If Provider materially fails to comply and / or maintains compliance with terms and conditions of this funding program, OSSE may:
 - a.) Temporarily withhold cash payments;
 - b.) Disallow all or part of the cost of the activity or action not in compliance;
 - c.) Wholly or partly suspend or terminate the current agreement/award;
 - d.) Withhold further awards to provider/grantee for the project or program;
 - e.) Not exercise option years or renew at OSSE's discretion; or
 - f.) Take any other actions that may be legally available.

B. Disallowance of Costs/ Reimbursements that :

1. OSSE will disallow any costs or reimbursements that:
 - a.) OSSE determines were not expended and / or incurred in compliance with the terms and conditions of this funding program, or
 - b.) OSSE is unable to verify were expended and or incurred in compliance with the terms and conditions of this funding program due to the Provider's failure to retain and /or provide upon request

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supporting documentation sufficient to allow OSSE to verify that the cost or reimbursement were expended and / or incurred in compliance with the terms and conditions of this funding program.

2. OSSE's right to disallow costs based on audit, correction, refund, reconciliation or other transactions extends beyond termination, suspension or closeout of the agreement. Provider is obligated to promptly return to OSSE any disallowed cost/ reimbursements, and if disallowed cost/ reimbursements are not received by OSSE within a reasonable period of time after making a demand for payment, but within one year of the demand for payment OSSE may:
 - a.) Offset amounts due from other requests for reimbursement;
 - b.) Withhold advance payments otherwise due to recipient;
 - c.) Withhold further awards to Provider/ Grantee for the project or program; or
 - d.) Take any other actions that may be legally available